

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE CASILLAS MALANCHE,
Plaintiff,
v.
S. FRAUENHEIM,
Defendant.

Case No. [16-cv-01327-JSC](#)

ORDER OF TRANSFER

(Dkt. No. 2)

In this habeas case, Petitioner seeks to challenge a conviction and sentence incurred in the Superior Court of Fresno County. Petitioner is incarcerated at Pleasant Valley State Prison, which is also in Fresno County. Fresno County is in the venue of the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Because petitioner was convicted in Fresno County, this case is TRANSFERRED to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). The Court defers to the Eastern District for ruling on the motion for leave to proceed in forma pauperis (ECF No. 2).

The Clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: May 3, 2016


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 3, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Casillas Malanche ID: Prisoner Id AE-7513
Pleasant Valley State Prison
P.O. Box 8500
Coalinga, CA 93210

Dated: May 3, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY